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AUG 05 2004

OFFICE OF PETITIONS

In re Application of	:	
Michael A. Kouritzin et al.	:	
Application No. 09/879,210	:	DECISION ON PETITION
Filed: June 13, 2001	:	UNDER 37 C.F.R. §1.137(b)
Attorney Docket No.: EA-00095	:	
Title: FLEXIBLE EFFICIENT BRANCHING	:	
PARTICLE TRACKING ALGORITHMS	:	

This is a decision on the petition filed May 13, 2004, pursuant to 37 C.F.R. §1.137(b)¹, to revive the above-identified application.

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR §1.113 in a timely manner to the final Office action mailed September 30, 2003, which set a shortened statutory period for reply of three (3) months. On March 5, 2004, an after-final amendment was received, along with a two-month extension of time. On March 25, 2004, an advisory action was mailed, as the submission failed to place the application in condition for allowance. A Notice of Abandonment was mailed to counsel on May 17, 2004.

With the petition, Petitioner has submitted a Request for Continued Examination (RCE) as well as the associated fee, an amendment, the petition fee, and the proper statement of unintentional delay.

¹ A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
- (4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

With the instant petition, Petitioner has filed a Request for Continued Examination (RCE) under 37 C.F.R. §1.114, including a request for consideration of a concurrently submitted amendment and payment of the RCE fee. The RCE has been accepted as the required reply under 37 C.F.R. §1.137(b)(1). Having made the proper statement of unintentional delay and having submitted the petition fee, Petitioner has met all other requirements for a grantable petition under 37 C.F.R. §1.137(b).

The application file is being forwarded to Technology Center 2800 for consideration of the submission under 37 C.F.R. §1.114, the amendment filed concurrently with this petition on May 13, 2004.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (703) 305-0011. Please note that on approximately September 28, 2004, the Office of Petitions will relocate to the new PTO location in Alexandria. Although the mailing address will remain the same, the general phone number for the Office of Petitions which should be used for status requests will change to 571-272-3282, and the telephone number for the undersigned will change to 571-272-3225.



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